IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3639 OF 2004

Chandrakant Uttam Parade, .. Applicant.

Vs

The State of Maharashtra, .. Respondent

Mr. Rajeev Patil with Mr S.M.Sabrat for the applicant.

Mr V.B.Konde-Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 31st AUGUST, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The applicant has approached this Court for being released on bail in C.R.No.92/2003 registered at Akluj police station under sections 143,147,148,149,302,326 read with 34 of I.P.C and section 135 of the Bombay Police Act. It is the prosecution case that the present applicant along with seven others committed murder of Ravindra Parade on 4.11.2003 at 6 pm at Akluj Tembharaj Road by means of deadly weapons, such as sword, sickle etc. In so far as the present applicant is concerned, he allegedly assaulted the deceased with sword. The deceased suffered multiple injuries all over his body. Mr Patil, learned counsel for the applicant, submitted

that the applicant allegedly assaulted the deceased with sword on his back, however, the deceased did not suffer any injury on the back which could be attributed to the present applicant. The injuries suffered by the deceased on his back were abrasions. I have perused the statement of complainant Raosaheb Parande, and the post mortem report. Though what Mr Patil submitted prima facie appears to be correct, it would not be possible to accept his submission at this stage. Keeping this in view and the manner in which the deceased was killed by all the accused, it would be very difficult to hold at this stage that the applicant did not share an intention with other accused. Considering the overall facts and circumstances of the case and the nature of allegations against the present applicant, this is not a fit case to enlarge the applicant on bail. The application is rejected.

. While rejecting the application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)